

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FREDDIE WILLIS,

Plaintiff,

vs.

THE CITY OF OMAHA NEBRASKA,
OPD,

Defendant.

8:21CV40

**MEMORANDUM
AND ORDER**

On May 20, 2022, Plaintiff filed a “motion for appeal dismissal to reverse decision” (Filing 42), which the court liberally construes as a motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure. The court dismissed this case without prejudice on October 29, 2021, after Plaintiff failed to pay the court’s \$402.00 filing and administrative fees or, alternatively, file a request for leave to proceed in forma pauperis (“IFP”) following his release from jail.

Under Rule 60(b), a court may grant a party relief from a judgment for “mistake, inadvertence, surprise, or excusable neglect,” or for “any other reason that justifies relief” if there are “extraordinary circumstances.” Fed. R. Civ. P. 60(b)(1) & (6); *Buck v. Davis*, 137 S. Ct. 759, 777-78 (2017). Plaintiff has not demonstrated he is entitled to relief under these provisions.

As the court previously explained (see Filing 41), because the dismissal of this case was without prejudice, Plaintiff may file a new complaint with a new IFP application or fee payment. But he is not entitled to have this case reopened.

IT IS THEREFORE ORDERED that Plaintiff’s motion for relief from judgment (Filing 42) is denied.

Dated this 27th day of May, 2022.

BY THE COURT:



Richard G. Kopf

Senior United States District Judge